

EXHIBIT 3

Highly Confidential - Subject to Further Confidentiality Review

Page 372

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL MDL No. 2804
PRESCRIPTION OPIATE
LITIGATION Case No.
17-MD-2804

This document relates to:

The County of Summit, Hon. Dan A. Polster
Ohio, et al v. Purdue
Pharma L.P., et al
Case No. 1:18-OP-45090

The County of Cuyahoga v.
Purdue Pharma L.P., et al
Case No. 17-OP-45004

HIGHLY CONFIDENTIAL - SUBJECT TO
FURTHER CONFIDENTIALITY REVIEW
VIDEOTAPED DEPOSITION OF DAVID CUTLER, Ph.D.

Saturday, April 27th, 2019

8:06 a.m.

Held At:

Robins Kaplan LLP
800 Boylston Street
Boston, Massachusetts

REPORTED BY:

Maureen O'Connor Pollard, RMR, CLR, CSR

Highly Confidential - Subject to Further Confidentiality Review

<p style="text-align: center;">Page 593</p> <p>1 not can we explain more of differences in crime. 2 So the issue here is not whether the R-squared 3 increases from 79 percent and 78 percent, both 4 of which are obviously very high numbers; the 5 issue is whether they would affect the 6 coefficients on the shipment variables. And 7 that is not just a statement that says -- you 8 can't tell the impact on the shipment variable 9 just by saying if I included that variable, 10 would it help to explain changes in crime. That 11 by itself does not tell you anything about 12 whether the coefficient on the shipment variable 13 would change.</p> <p>14 BY MR. KNAPP:</p> <p>15 Q. Sitting here right now, you don't know 16 how any of these factors would impact the 17 coefficient on shipments, correct?</p> <p>18 A. As --</p> <p>19 MR. KO: Object to form.</p> <p>20 A. As a theoretical matter, you cannot 21 say how these variables would affect the 22 shipment coefficient. And because the data, to 23 the best of my knowledge of them, do not exist 24 to measure them, I cannot do an estimate to say</p>	<p style="text-align: center;">Page 595</p> <p>1 report? 2 A. I have not looked at Mr. McCann's 3 report, so I can't answer that question. 4 MR. KO: I don't know for sure, Tim, 5 but I think he's not a professor. 6 MR. KNAPP: I'm elevating him. 7 A. After this, Mr. Knapp, we may choose 8 to make you a professor. 9 BY MR. KNAPP: 10 Q. Depends upon the subject, I don't 11 know. We'll have to see. 12 A. I don't know, you seem to have a 13 knowledge of econometrics that is quite 14 impressive. 15 Q. Oh, well, I appreciate that. Thank 16 you very much. 17 MR. KO: So complimentary. 18 BY MR. KNAPP: 19 Q. I would say the same about you, 20 Professor Cutler. 21 A. But not about my knowledge of law, 22 that I assure you. 23 BY MR. KNAPP: 24 Q. Okay. Well, let me just start with</p>
<p style="text-align: center;">Page 594</p> <p>1 how including these would affect the coefficient 2 estimate. 3 So that is, like everything, an issue 4 associated with a regression, which is that it 5 has -- it can only tell about the things it has. 6 But I again want to emphasize, just 7 saying that these variables matter is not -- 8 would matter is not the issue here. It's more 9 involved than that.</p> <p>10 BY MR. KNAPP:</p> <p>11 Q. Let's look at Appendix 3.J in your 12 report. I want to start with Table J.1. And we 13 talked a bit about this yesterday. What is your 14 understanding of where these percentages come 15 from in Table J.1?</p> <p>16 A. These percentages were given to me by 17 counsel who said that they were the output of 18 Mr. McCann's analysis.</p> <p>19 Q. Have you looked at Mr. McCann's 20 report?</p> <p>21 A. I have not looked at Mr. McCann's 22 report.</p> <p>23 Q. Do you know if any of these 24 percentages are actually in Professor McCann's</p>	<p style="text-align: center;">Page 596</p> <p>1 this. 2 We received an e-mail from your 3 counsel identifying the supplemental report of 4 Dr. McCann as the source of the figures in Table 5 J.1, okay? 6 I'm going to hand you that 7 supplemental report as Cutler Exhibit 15, and 8 I'd ask you to identify for me where these 9 percentages come from. 10 (Whereupon, Cutler Exhibit Number 15 11 was marked for identification.) 12 A. Do you want me to look through the 13 whole report to find these? 14 BY MR. KNAPP: 15 Q. I'm just asking you if you can 16 identify them anywhere in the report. 17 A. So as I just said, I have not seen the 18 deposition -- excuse me, the expert report of 19 Dr. McCann before this. So I would be happy to 20 look through the report to do that, and I would 21 be more than willing to do that, but I don't 22 know offhand where in the report these numbers 23 would have come have. 24 Q. You know what, it's a short report,</p>